

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**DAVID T. and LELAND J.
BARCHANOWICZ,**

Plaintiffs,

V.

CASE NO. 1:05-cv1232-MHT

**FREIGHTLINER TRUCKS OF DOTHAN,
INC., DAIMLERCHRYSLER SERVICES
NORTH AMERICA LLC, et al.,**

Defendants.

**JOINT MOTION OF PARTIES TO MEDiate THROUGH
FEDERAL MAGISTRATE WITHOUT PREJUDICE**

COME the Plaintiff and the Defendants, jointly, and move this Court for an Order directing and allowing all of the parties to mediate this case through the process of Local Rule 16.2 of this Court, without in any way prejudicing or waiving the rights of each of the parties with respect to their positions for or against the arbitration sought by the Defendant, DaimlerChrysler Financial Services Americas LLC, successor by merger to and formerly known as DaimlerChrysler Services North America LLC, successor by merger to Mercedes-Benz Credit Corporation (hereinafter “DCFS”), which has filed a Motion to Compel Arbitration and for Stay. As grounds in support hereof the parties aver as follows:

1. The parties believe that the meditation of this case through the process of Local Rule 16.2 of this Court may be helpful in trying to resolve and settle all issues. However, the Defendant, DCFS, has filed a Motion to Compel Arbitration and for a Stay. The parties, by filing this Motion and by participating in the mediation of the claims of this case through the

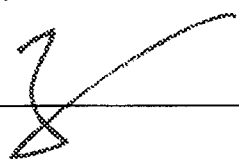
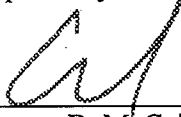
process of Local Rule 16.2 of this Court, do not wish to prejudice or waive any party's rights, either for or against, the aforesaid Motion to Compel Arbitration and for Stay.

2. The parties pray that this Court will enter an Order directing and allowing the parties to participate in the mediation process of this Court through the process allowed under Local Rule 16.2 of this Court without in any way prejudicing or waiving the rights of any party either for or against the aforesaid Motion to Compel Arbitration and for Stay.

3. Attached hereto as Exhibit "1" is a suggested Order which the parties request be entered by the Court to protect the interest and position of each of the parties in this case with respect to the aforementioned Motion to Compel Arbitration and for Stay.

WHEREFORE, the Plaintiff and the Defendants jointly move this Court to enter an Order directing and allowing the parties to mediate this case through the auspices of the Federal Magistrate of this Court without in any way prejudicing or waiving any party's rights with respect to the aforesaid Motion to Compel Arbitration and for Stay.

Respectfully submitted,



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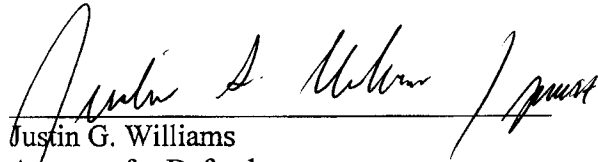
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